

High Court Told of Bugs, Wiretaps in Hoffa Plea

1/27/67
By John P. MacKenzie
Washington Post Staff Writer

Attorneys for James R. Hoffa, in their boldest attempt to date to keep the Teamster Union leader out of jail, told the United States Supreme Court yesterday that the Justice Department hired an informant to tap Hoffa's phone, "bug" his hotel suite and eavesdrop on the jury that tried him.

Seeking to set aside the Court's Dec. 12 decision upholding Hoffa's 8-year prison term for jury tampering, the

lawyers filed 19 affidavits in which:

- Benjamin D. (Bud) Nichols of Heiskell, Tenn., swore that Walter Sheridan, former Justice Department official, directed him to place radio transmitters in Hoffa's hotel suite during his 1964 Chattanooga trial, tap phones in the hotel basement and put microphones under the mattresses of jurors quartered in a nearby hotel.

- Teamster lawyer Jacques M. Schiffer swore that he was one of the persons overheard in the course of FBI bugging—admitted by the Government in the prosecution of former Senate Majority Secretary Robert G. (Bobby) Baker—of the Miami office of businessman Ben Sigelbaum.

- Washington lobbyist I. Irving Davidson swore that the special prosecutor in Hoffa's case, John Hooker Sr. of Nashville, told him of Government wiretapping and bugging and of his regrets that he ever participated in the case.

- Right-wing newspaper publisher William Loeb swore that FBI Assistant Director Cartha D. DeLoach conceded that Sheridan headed extensive wiretapping operations under former Attorney General Robert F. Kennedy.

- Three men once accused of helping Hoffa obstruct

See HOFFA, A6, Col. 1

A 6

Friday, Jan. 27, 1967

THE WASHINGTON POST

HOFFA—From Page A1

Hoffa Appeal Cites Bugs and Wiretaps

Justice swore that Walter Sheridan played tape recordings of Hoffa's conversations in an effort to win their cooperation in putting Hoffa behind bars.

- Bernard B. Spindel, electronic eavesdropping expert who once did work for Hoffa, swore that Nichols was fully capable of carrying out the eavesdropping he claimed he did.

Justice Department and FBI spokesmen declined comment on grounds that the matter was pending in the Nation's highest court. Sheridan, now a reporter for the National Broadcasting Co., stuck by a denial made Wednesday that he ever knew Nichols or ever authorized eavesdropping.

In Nashville, Hooker vigorously denied the statements attributed to him by Davidson and said he was "astounded" by them. Hooker said he had known Davidson for more than 10 years and confirmed Davidson's statement that he had dinner at Davidson's home here in 1964, but said "there's not a word of truth" to the claim of a conversation about eavesdropping.

Loeb, publisher of the Manchester, N.H., Union Leader and other New England newspapers, has borrowed from the

Teamsters to help his publishing enterprise. Last month he offered a \$100,000 reward for information that would establish anti-Hoffa wiretapping and bugging.

The reward offered by Loeb is in addition to a total of \$100,000 offered by a group known as Friends of James R. Hoffa seeking the same sort of information.

Yesterday's action, Hoffa's lawyers said, was "the culmination of prolonged effort to establish that the Federal Government for many years has been intruding on petitioner Hoffa's right to counsel and obtaining evidence against him by unlawful means."

Record Acknowledged

The attorneys asked the Court to direct Solicitor General Thurgood Marshall to respond to the eavesdropping charges made in the 19 affidavits and to order dismissal of the original indictment against Hoffa if Marshall should support the truth of the charges.

If Marshall denies them, there should be a lower court hearing, they said. Either way, they added, the Court's affirmation of Hoffa's jury-tampering conviction should be set aside.

A Teamster source acknowledged that Nichols had a record of criminal convictions and an Army discharge under "undesirable conditions," but hinted that the record was intimately related to spying that Nichols did for the Government.

Records show that Nichols, who is in his mid-thirties, was discharged from the Army in 1949 because of a forgery conviction in Georgia and was discharged again in 1959 for a fraudulent reenlistment under an assumed name.

In his affidavit Nichols said

he had served the FBI on a \$200 monthly retainer since 1958 and had also done work for "other agencies."

'Tapped Many Wires'

Nichols said, "The question of reward is only a partial reason for the giving of this affidavit. I have been an informer for the FBI. I have tapped many telephone wires and performed many functions for the FBI. I have even stolen for the FBI in conjunction with other agencies that required such service . . . I feel that I have been a captive of the FBI."

The Hoffa attorneys' filing was titled, "Motion for relief because of Government wire-tapping, electronic eavesdropping and other intrusions." It stated that it was a separate action from a petition, which is due by Feb. 4, to reconsider the Court's decision against Hoffa on his claim that his right to counsel had been violated by an informant masquerading as a faithful body-guard.

Yesterday's motion indicated that eavesdropping charges would also be leveled in connection with a conviction of Hoffa in Chicago for misusing Teamster funds. Hoffa's lawyers petitioned the Supreme Court Wednesday for review of that conviction, which carries a 5-year prison term.